



ATTORNEY DOCKET NO. 14114.0342U3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Howard A. Fields) Art Unit: 1648
Application No. 10/738,443) Examiner: Horning, Michelle S.
Filing Date: December 16, 2003) Confirmation No. 8740
For: "SYNTHETIC PEPTIDES IMMUNOREACTIVE)
WITH HEPATITIS A VIRUS ANTIBODIES")

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 52488

Sir:

Petitioner, The United States of America as represented by the Department of Health and Human Services, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,838,237/Application Serial No. 09/171,432, as evidenced by the assignments recorded at Reel 018,427 and Frame 0221, and Reel 011,552 and Frame 0364, respectively, establishing a chain of title from the inventor to Petitioner for the above-identified application and U.S. Patent No. 6,838,237/Application Serial No. 09/171,432. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 6,838,237. Petitioner hereby agrees that any patent so granted on the instant

application shall be enforceable only for and during such period that it and U.S. Patent
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APPLICATION NO. 10/738,443**

No. 6,838,237 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,838,237, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of Petitioner. Pursuant to 37 C.F.R. § 1.321(b)(1)(iv) and (c)(2), the undersigned, as Petitioner's agent, is executing this Terminal Disclaimer.

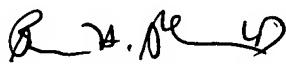
I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$130.00 (\$130.00 for a terminal disclaimer fee under 37 C.F.R. § 1.20(d)) and an Amendment and Response to Office Action are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

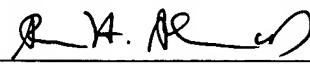
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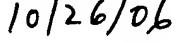

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Bruce H. Becker, M.D., J.D.


Date